

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON, ISSACCA
POWELL, KEITH BURGESS, TRAVIS BOYD,
TERRENCE DRAIN and KIMBERLY ALLEN
on behalf of themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former
Sheriff of Shelby County, Tennessee; FLOYD BONNER,
JR., in his official capacity as the Sheriff of Shelby County,
Tennessee; ROBERT MOORE, in his individual capacity
as former Jail Director of Shelby County, Tennessee;
KIRK FIELDS, in his official capacity as the Jail Director
of Shelby County, Tennessee; CHARLENE MCGHEE, in
her individual capacity as former Assistant Chief of Jail
Security of Shelby County, Tennessee; REGINALD
HUBBARD, in his official capacity as Assistant Chief of
Jail Security of Shelby County, Tennessee; DEBRA
HAMMONS, in her individual capacity as former Assistant
Chief of Jail Programs; TIFFANY WARD in her official
capacity as the Assistant Chief of Jail Programs of Shelby
County, Tennessee; SHELBY COUNTY, TENNESSEE,
a Tennessee municipality; TYLER TECHNOLOGIES,
INC., a foreign corporation; GLOBAL TEL*LINK
CORPORATION, a foreign corporation; SOFTWARE
AG USA, INC., a foreign corporation; SIERRA-CEDAR,
INC., a foreign corporation; SIERRA SYSTEMS GROUP,
INC., a foreign corporation, and TETRUS CORP, a foreign
Corporation,

Defendants.

Civil Action No. 2:16-cv-02907-
SHM-tmp

Jury Demanded

**DEFENDANT TETRUS CORP.'S RESPONSE IN OPPOSITION TO
PLAINTIFFS' MOTION FOR SUBSTITUTION OF PARTY**

Defendant Tetrus Corp. (“Tetrus”) hereby files its Response in Opposition to Plaintiffs’ Motion for Substitution of Party. Although the Administrator Ad Litem for the Estate of deceased Plaintiff Isaaca Powell (the “Administrator”) appears to have been duly appointed and be the proper party in interest to prosecute Powell’s surviving claims, the Administrator cannot properly be named as a putative class representative. For this reason, and as discussed in more detail below, substitution would be improper, and the Motion should be denied.

LAW AND ARGUMENT

Pursuant to Federal Rule of Civil Procedure 10(c), Tetrus hereby adopts by reference Defendants Shelby County, Tennessee, Bill Oldham, Robert Moore, Charlene McGhee, Debra Hammons, Floyd Bonner, Jr., Kirk Fields, Reginald Hubbard and Tiffany Ward’s (collectively “Shelby County Defendants”) Response in Opposition to Plaintiffs’ Motion for Substitution of Party, ECF No. 253, *except for* those portions relating to injunctive relief, which are not applicable to Tetrus.¹

CONCLUSION

For the reasons stated above, permitting the Administrator to step into Powell’s shoes as a named representative of the putative class would be inappropriate. Rather than holding off for an inevitable denial of class certification on the basis of adequacy of representation, the Court should exercise its discretion to deny Plaintiffs’ Motion for substitution and instead require Plaintiffs to identify another suitable representative for the class and subclass currently represented by Powell.

¹ Tetrus also finds the Shelby County Defendants’ arguments concerning injunctive relief to be well founded; however, Plaintiffs do not seek injunctive relief against Tetrus.

Respectfully submitted,

/s/ Thomas Anthony Swafford

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CERTIFICATE OF SERVICE

I certify that the foregoing is being filed via the Court's ECF system this 20th day of September, 2019, for service on all persons registered in connection with this case, including:

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